

**Illumina's Objections to Affymetrix's Proposed Trial Demonstratives
Submitted March 2, 2007**

Affymetrix Draft Demos	Illumina's Objection*
1	F, S, O, P
2	F, S, O, P
3	F, S, O, P
4	F, S, O, P
5	F, P
6	
7	F, H, P
8	F, H, P
9	F, H, P
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11	F, S, O, P
12	F, S, O, P
13	F, S, O, P
14	
15	F, S, O, P
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18	
19	
20	E, IS
21	E, IS
22	
23	
24	H, P
25	F, S, O, P
26	F, S, O, P
27	R, P
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50	F, P
51	F, P
52	F, P
53	F, P
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65	F, E, P
66	F, E, P
67	R, P
68	R
69	R, P
70	MIL3, Inc, P, R
71	F, P, R
72	F, P, R
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97	F, P
98	F, P
99	F, P
100	F, P
101	F, P
102	F, P
103	
104	F, P
105	F, P
106	F, P
107	
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111	F, P
112	
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114	

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127	F, S, O, P
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139	F, P

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140	F, P
141	F, P
142	F, P
143	F, P
144	F, P
145	F, P
146	F, P
147	F, P
148	F, P

*Illumina's key to its objections is attached.

Key to Illumina's Objections To Affymetrix's Proposed Trial Demonstratives Submitted March 2, 2007

E	The document contains matter that is not considered evidence, but rather it contains legal conclusions/statutory language/case language or attorney argument of supposition that is impermissible and prejudicial. Fed. R. Evid. 401, 402, 403.
F	The document lacks supporting foundation. Fed. R. Evid. 401, 402, 403.
H	The document constitutes or contains hearsay in that it is an out-of-court statement offered in evidence to prove the truth of the matter asserted. Fed. R. Evid. 802.
Inc	The use of this document without accompanying testimony, other parts of the document, or another document, and is misleading and prejudicial. Fed. R. Evid. 403.
IS	The document is an improper summary of other material. Fed. R. Evid. 1006
M	The demonstrative was not produced to Illumina during the exchange of demonstrative exhibits. Illumina reserves the right to amend its objections when and if Affymetrix provides the demonstrative to Illumina.
MIL3	The document contains matter that is the subject of Illumina's Motion <i>In Limine</i> No. 3 pending before the Court. Illumina reserves the right to amend its objections upon ruling by the Court.
O	Pursuant to Judge Farnan's December 21, 2005 Order, any products released after December 7, 2005 are not at issue in this case.
P	The document is prejudicial in that its probative value, if any, is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay waste of time, or needless presentation of cumulative evidence. Fed. R. Evid. 403.
R	The document is irrelevant; it does not tend to make the existence of any fact that is of consequence to the determination of this action more probable or less probable than it would be without the evidence. Fed. R. Evid. 401.
S	The document contains information that is speculative.